

KENTUCKY'S ENVIRONMENT



The Newsletter of the Environmental Quality Commission
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EQC

is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions. To receive the free EQC newsletter, call (502)564-2150 ext. 160, email EQC@mail.state.ky.us, or write to EQC at 14 Reilly Rd., Frankfort, KY 40601. You can also submit your comments at our Web site at www.kyeqc.net. Printed bimonthly on recycled paper with state funds.

Energy Issues Take Forefront in Kentucky

New power plants and oil and gas well drilling will receive closer scrutiny under two executive orders issued by Gov. Paul Patton.

Power Plant Applications Suspended Until Dec. 2001

On June 19, 2001, Gov. Patton issued an executive order halting the acceptance of new power plant applications for 180 days. The moratorium does not apply to the 24 permit applications for electric generating units that have been received by the state since late 1999. The Ky. Division for Air Quality (DAQ) has issued 16 of these permits with the other 8 permits under review.

The growing demand on the country's utilities to produce enough power at times of peak use have made the siting of new power plants attractive. Most of the new plants in Kentucky will use natural gas and will be merchant plants that would come on line only during peak periods and would export their electricity to other states.

Federal officials report California, Wyoming and Kentucky have the most new power plant applications. State officials have estimated that, if all the proposed plants are built, they would increase the state's generating power by more than 35 percent and could crash the transmission system. Kentucky already has 109 generating units, from large coal-fired plants to small hydroelectric plants, at 35 locations around the state.

During the moratorium period, Kentucky's Natural Resources and Environmental Protection Cabinet is directed to study the "cumulative environmental effects" of the development of new electric generating facilities capacity as well as the impact on existing cabinet programs relating to compliance with air, waste and water requirements. The Public Service Commission is also required to review and study issues relating to the need for, and development of, new electric generating capacity, including the impact on the electric supply grid, facility siting issues and economic development considerations.

Gov. Patton also signed an executive order creating the Kentucky

Energy Advisory Board to develop a coordinated statewide energy policy. The board will study energy markets in the U.S. and internationally and devise a strategy for maximizing Kentucky's low-cost advantages in supplying affordable and reliable energy.

Oil and Natural Gas Wells to Be Reviewed

On September 21, 2001, Gov. Paul Patton ordered the Ky. Natural Resources and Environmental Protection Cabinet and the Ky. Department for Mines and Minerals to temporarily suspend issuing new permits for non-coal mining operations and to review permits for oil and natural gas wells.

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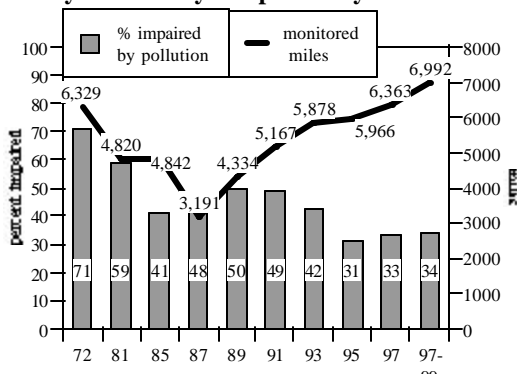
STATE OF KENTUCKY'S ENVIRONMENT REPORT AVAILABLE

Energy, forestry, coal mining, oil and gas drilling, toxics, water and air quality and solid waste are among the topics reviewed in the 2000-01 State of Kentucky's Environment report. The 172-page report, with more than 200 charts and graphs depicting environmental trends and conditions, is available for \$10. To order, send a check payable to the Kentucky State Treasurer to EQC, 14 Reilly Rd., Frankfort, Ky. 40601. Highlights from the report can be viewed at the EQC Web site: www.kyeqc.net.

Excerpt from 2000-01 State of Kentucky's Environment Report.

About 8 percent of Kentucky's 89,431 miles of waterways are monitored by the state for pollution. Trends reveal less progress in restoring water quality in recent years. About one third of monitored waterways are impaired by pollution.

Ky. Waterways Impaired by Pollution



MEETINGS/CONFERENCES

Oct. 20 - ASPI/Ky. Solar Partnership Dedication of 1,500 Watt Grid Connected Solar Electric System. Mt. Vernon. Contact: Joshua Bills, (606) 256-0077.

Oct. 20 - Shaped by Water: Promoting awareness of waterways through the arts. Eastern Ky. Univ., Richmond. Contact: Pat Banks, (859) 527-3334.

Oct. 30-31- 26th Annual Governor's Conference on the Environment - Embassy Suites, Lexington. Contact: Alex Barber, (502) 524-2150.

Nov. 4- Sierra Club Cumberland Chapter Annual Meeting. Barren River State Park. Contact: (859) 255-7946.

Nov. 7- Lexington/Fayette Co. Environment and Emergency Management 2001 Seminar. Ramada Inn, Lexington. Contact: (859) 258-3784.

Nov. 14- Financing State and Local Government Conference - Long-Term Policy Research Ctr., Holiday Inn, Frankfort. Contact: (800) 853-2851.

Nov. 26-Dec. 6 - Daniel Boone National Forest Public Meetings on Revision of the Forest Plan. Various locations. Contact: Rick Wilcox, (859) 745-3156.

Dec. 7 - Ky. Environmental Law Compliance. The Camberley Brown Hotel, Louisville. Contact: (301) 921-2345.

PUBLIC NOTICES/HEARINGS - PERMITS

Ky. Division of Water - Water Discharge Permits

•103 KPDES Water Discharge Permits. (Public notice 2001 - 25 thru 33. Contact: Pam Horne, Div. of Water (502) 564-3410 or see Web site: <http://water.nr.state.ky.us/dow/public.htm>).

Ky. Division of Waste Mgt. - Underground Storage Tanks

Contact Ramendra Dutta, Div. of Waste, (502) 564-3410, ext. 162.

•Dulin Oil Co. Bulk Plant, Columbia (Adair Co.) (3962-001).

•CTA Acoustics, Corbin (Laurel Co.) (0119-063).

•Flying J Travel Plaza, Walton (Boone Co.) (2565-008).

Ky. Division of Waste Management - Solid Waste Notices

Contact: Anita Young, Div. of Waste, (502) 564-6716.

•Jones Sanitation, Mayfield (Graves Co.) - Extend the expiration of a solid waste disposal facility until Jan. 12, 2007.

•Addington Enterprises, Ashland (Boyd Co.) - Extend the expiration of permit until Oct. 21, 2007 and change the name of the permittee from Addwest Mining to Addington Enterprises.

Ky. Division of Waste Management - Hazardous Waste Notices

Contact: Mary Ann Goins, Div. of Waste, (502) 564-6716.

•Collis, Elizabethtown (Hardin Co.) - Tentative approval of Corrective Measures Study/Implementation Plan. **Public Comment** due by Oct. 22, 2001.

•Outokumpu Copper Franklin, Franklin (Simpson Co.) - Tentative approval of draft hazardous waste post-closure permit. **Public comment** due by Oct. 28, 2001.

•Ensign-Bickford Company, Graham (Muhlenberg Co.) - Tentative approval of draft hazardous waste post-closure plan for the Open Burn/Open Detonation Unit. **Public comment** due by Nov. 2, 2001.

•Tecumseh Products Company, Somerset (Pulaski Co.) - Tentative approval of Corrective Measures Study/Correction Measures Implementation Plan.

•Environmental Conservation Systems, Brooks (Bullitt Co.) - Modify hazardous waste treatment/storage permit to include closure plan.

•U.S. Dept. of Energy Paducah Gaseous Diffusion Plant, Paducah (McCracken Co.) - Modify hazardous waste treatment/storage permit to include changes in the corrective action schedule of compliance to agree with enforceable commitments.

Ky. Division for Air Quality - Public Notices

Contact: George Day, Div. for Air Quality, (502) 573-3382.

•Conditional Major Source Construction/Operating Permit (Title V does not apply) - Audubon Metals, Henderson (Henderson Co.); Doric Products, London (Laurel Co.); Meridian Aluminum Products, Island (McLean Co.); Murakami Mfg. USA, Campbellsville (Taylor Co.); Plexus Electronic Assembly, Richmond (Madison Co.).

•Conditional Major Source Operating Permit (Title V does not apply) - Neilson Co., Florence (Boone Co.); Ti Group Automotive Systems, Cynthiana (Harrison Co.).

•Prevention of Significant Deterioration Construction/Operating Permit - Westvaco Kentucky, Wickliffe (Ballard Co.).

Continued back page - see Public Notices



Environmental Quality Commission
Meeting Announcement
EQC Annual Work Session
November 8, 2001
Lake Cumberland State Park

Annual EQC meeting to set priorities and the 2002 meeting schedule. The public is invited to offer suggestions for EQC meeting and forum topics and locations. Please email us at eqc@mail.state.ky.us with your ideas.

All EQC meetings are free and open to the public. Meeting facilities are accessible to people with disabilities. Auxiliary aids, interpreters, and other services will be provided upon request by contacting EQC.

Public Notices Continued - from front page

Ky. Division for Air Quality - Public Notices- continued

- Title V Operating Permit Significant Revision** - Sun Manufacturing Division of Engineering, Williamstown (Grant Co.).
- Synthetic Minor Construction/Operating Permit at a Title V Source (PSD regs. do not apply)** - Doric Products Co., London (Laurel Co.).
- Title V Construction Operating Permit** - Westvaco Kentucky, Wickliffe (Ballard Co.).
- Synthetic Minor Construction/Operating Permit at a non-Title V source (PSD regs. do not apply)** - Meridian Aluminum Products, Island (McLean Co.).

PROPOSED STATE REGULATIONS

- Air Quality** - Ky. Div. for Air Quality (DAQ) proposes to amend regulations (401 KAR 57:002, 60:005, 63:002) to include national standards for hazardous air pollutants and standards for new stationary sources. **Public hearing Nov. 29 at 10 a.m.** at DAQ, 803 Schenkel Lane, Frankfort. *Contact: Hank Wiseman, Ky. DAQ, (502) 573-3382.*

GRANTS AND FUNDING SOURCES

- Sustainable Community Innovation Grants**- Grants funded by the U.S. EPA to promote education and research about sustainable agriculture. Applicants can be farmers, communities, government and universities. **Applications are due Nov. 2** See Web site: <http://www.griffin.peachnet.edu/sare>.

Nonpoint Source Pollution Grants - Grants to promote effective solutions for controlling runoff pollution. For more information see <http://water.nr.state.ky.us/dow/grants.htm> or contact Donna Blackburn, Ky. Div. of Water, (502) 564-3410.

PUBLICATIONS/WEB SITES OF INTEREST

- Coal Waste Impoundments: Risks, Responses, and Alternatives** - National Research Council 2001 study on reducing risks from coal mine impoundments. Available online at <http://www.nap.edu/books/030908251X/html/>
- Paducah Gaseous Diffusion Plant** - This Web site contains information about the U.S. Dept. of Energy's work to remediate the Paducah Gaseous Diffusion Plant site. See <http://www.orakridge.doe.gov/paducah>
- Get Smart About Energy - Teacher CD** - An interactive CD with more than 250 lessons about energy for grades K-4, 5-8, and 9-12. *Contact: U.S. Dept. of Energy, Energy Efficiency and Renewable Energy Clearinghouse (800) 363-3732.*

SERVICES/RESOURCES AVAILABLE

Tree Seedlings Available - The Ky. Division of Forestry has hardwood seedlings available for the spring. Prices range from \$15 per 50 trees to \$80 per 500 trees. Contact your local Div. of Forestry district office or call (800) 866-0555. For an online seedling order form see: <http://www.nr.state.ky.us/nrepc/dnr/forestry/seedlingorderform.pdf>.

Energy Issues - continued from front page

The Ky. Department for Mines and Minerals was also asked to review permit applications for new wells in the vicinity of Breaks Interstate Park, the Cumberland Gap National Historic Park, the Pine Mountain Trail and other areas near Pine Mountain to determine the effect of this activity upon the eco-tourism industry in the region.

The two agencies are to assess the negative impact these operations could have on the eco-tourism industry and the environment, especially in the Pine Mountain area. "We have a responsibility to ensure the protection of our natural resources and our unique natural areas for future generations," Patton said. "Our state is a destination point for thousands of tourists each year, and we must make certain these operations are not afflicting the landscape of Kentucky."

Patton directed the two agencies to review permitting and reclamation requirements for non-coal mining operations and oil and natural gas wells and recommend needed changes to current requirements.

If the review determines drilling could impede growth of the eco-tourism industry in the region the permit may be delayed until July 15, 2002. The 2002 Legislature will have the opportunity to take action concerning adverse effects of oil and natural gas exploration. Additionally, the cabinet was asked to suspend, until July 15, 2002, the issuance of new permits for non-coal mineral mining and excavation.

The cabinet will study the negative environmental impact of current non-coal mining activities and determine the positive environmental impact of additional enhancement and reclamation standards and requirements. The cabinet is directed to report to the governor by Jan. 1, 2002 for preparation of recommendations to the 2002 General Assembly.

The order also instructed the secretary of the state Transportation Cabinet to study any increase in the cost of highway construction material as a result of any proposed reclamation requirements.

CAFO Reg Takes Effect Despite Legislative Objection



A regulation to control pollution from concentrated animal feeding operations (CAFOs) will remain in effect, according to Gov. Patton, despite the determination that it was found deficient by the Legislative Administrative Regulation Review Subcommittee on Sept. 11, 2001. Regulation 401 KAR 5:074 establishes permit conditions for water pollution discharge permits for concentrated animal operations.

The regulation also establishes siting standards and prohibits location of CAFOs in parks, state or national forests or nature preserves, wellhead protection areas, wetlands, sinkholes, subsided areas or in 100-year floodplains. The regulation requires poultry CAFOs to have a permanent litter storage structure by October 2001. The regulation is estimated to affect less than 250 operations in the state (including some 176 poultry operations and 64 swine operations).

Wildflower of the Year Nominations Sought



Nominate your favorite native flower as Kentucky's wildflower of the year. Nominations must be received by Dec. 15, 2001. For more information contact the Ky. Dept. of Fish and Wildlife Resources Salato Native Plant Program (800) 858-1549 or visit their Web site: <http://www.kdfwr.state.ky.us/wildflwr.htm>.

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Fall fire season begins Oct. 1 through Dec. 15. Warm and dry weather and dead and dying pine trees caused by the southern pine beetle may combine to make this a high hazard fire season. Consult your local forestry office for information about open burning laws. For a forest fire situation report see Web site: <http://www.nr.state.ky.us/nrepc/dnr/forestry/Firereport.htm>